

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

MATTHEW WADE BEASLEY, et al.,

Defendants.

Case No. 2:22-cv-00612-CDS-EJY

ORDER

Before the Court is Receiver Geoff Winkler's Motion for Order Authorizing Receiver to Employ Litigation Support Consultant. ECF No. 455. No response to the Motion was received by the Court. Under United States District Court for the District of Nevada Local Rule 7-2(d), the Court may treat the failure of the nonmoving party to respond to a motion as consent by that party to the granting of that motion. In addition, upon review of Receiver's Motion, the Court finds he is entitled to the relief requested.

I. Discussion

Under the Order Appointing Receiver, with the Court's approval, the Receiver may "employ persons in his discretion ... to assist him in carrying out his duties and responsibilities ... including, but not limited to, accountants, attorneys, securities traders, registered representatives, financial or business advisers, liquidating agents, real estate agents, forensic experts, brokers, traders or auctioneers." ECF No. 88 ¶ 7(F). This case concerns complex areas of securities law, entails many Defendants, both individuals and entities, and involves review of a large amount of highly technical material, including Electronically Stored Information ("ESI").

As the party responsible for sifting through this data and maximizing the recoverable assets for the receivership estate, Receiver asks the Court for approval to employ Aitheras, LLC ("Aitheras") as a consultant to help in the review and processing of ESI germane to Receiver's mission in this case. ECF No. 455 at 7. After investigating, Receiver determined in his reasonable business judgment that Aitheras can provide the services Receiver requires and, after conducting a

1 broad search of other similar firms, Receiver concluded Aitheras will provide the receivership estate
2 with the best services at the least amount of cost. *Id.* at 8. In addition, Receiver avers that the rates
3 charged by Aitheras are comparable to rates charged for similar services in nearby markets. *Id.* at
4 8-10. Finally, Aitheras has evaluated its potential conflicts of interest and finds it can perform the
5 work requested by Receiver free of any conflict. *Id.* at 10-11.

6 **II. Order**

7 Accordingly, IT IS HEREBY ORDERED that Receiver's Motion for Order Authorizing
8 Receiver to Employ Litigation Support Consultant (ECF No. 455) is GRANTED.

9 Dated this 17th day of February, 2023.

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11 ELAYNA J. YOUCHAH
12 UNITED STATES MAGISTRATE JUDGE
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